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2006 APR -5 PM 2:57

cardica

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US PATENT & TRADEMARK
OFFICEUS PATENT & TRADEMARK
OFFICE**FAX**To: Office of Finance - Refund Branch
Mail Stop 16

From: Brian Schar

Fax: (571) 273-6500

Total Pages: 1

Phone: (571) 272-6500

Date: April 4, 2006

Re: Refund Request - 10/810,170

CC:

A petition to withdraw the holding of abandonment in this application under 37 CFR 1.181(a) was filed in this application on February 14, 2006, pursuant to MPEP 711.03(c)(I). According to that section of the MPEP, "a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee." (emphasis added).

However, on February 16, 2006, Assignee's deposit account no. 502108 was charged \$750.00, identified as fee code 2453. Fee code 2453 is associated with the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b). That is a different petition than the one filed in the case under 37 CFR 1.181(a). The charge of February 16, 2006 in this case was in error, and we request a refund of the erroneously-charged ~~\$750.00~~ to our deposit account 502108.

Thank you for your help. Please contact me at (650) 331-7162 if you have any questions.

Sincerely,

Brian Schar
Reg. No. 45,076

Adjustment date: 08/03/2006 CKHLOK
02/16/2006 AMONDAF1 00000018-502108 10810170
01 FC:2453 750.00 CR

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>8-2-06</u>		2 Serial/Patent # <u>10/810/70</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
	Petition		2-14-06	\$ <u>750</u>
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
			7 TOTAL AMOUNT OF REFUND	
			\$ <u>750</u>	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
	Duplicate Payment	9 50--2108		
	No Fee Due (Explanation):			
<u>Petition 11/21/05, No Fee required.</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petr. Exmr.</u>		
SIGNATURE: <u>Karen Creasy</u>		PHONE: <u>2-3208</u>		
OFFICE: <u>OP</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>AKHOK</u>		DATE: <u>8/3/06</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: